

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RICHARD J. KLEIN,
Petitioner,

vs.

Case No. 1:01-cv-794

HAROLD CARTER, WARDEN,
Respondent.

05 JUL 21 AM 11:50
FILED
JAMES BONINI
CLERK
SOUTHERN DISTRICT COURT
WEST DIV CINCINNATI

**PETITIONER'S MOTION FOR EXTENSION OF TIME
TO FILE NOTICE OF APPEAL AND CERTIFICATE OF APPEALABILITY**

Pursuant to Rule 4(b)(4) of the Federal Rules of Appellate Procedure, Petitioner requests an extension of time to file notice of appeal and certificate of appealability until August 27, 2005, first because Petitioner is financially unable to pursue an appeal within the time limits provided. Second, Petitioner has filed or is filing an application for in forma pauperis and requests until the application is resolved with additional time for preparation and filing. Third, due to R.C.I. security movement restrictions in the prison at this time due to emergency circumstances that exist, Petitioner is unable to gain access to the law library, unable to obtain copies necessary for filing, unable to obtain the necessary drafting materials, unable to obtain Notary Public endorsement, and most importantly, unable to obtain the requisite account statement necessary for resolution of the application to proceed in this matter in forma pauperis within the time limits.

For the foregoing reasons Petitioner requests an additional (30) days to file notice of appeal and COA.

Respectfully submitted,


Richard J. Klein 350-022

R.C.I. P.O. Box 7010
Chillicothe, Ohio 45601
PETITIONER/ PRO SE

CERTIFICATE OF SERVICE

Petitioner certifies that a true copy of the foregoing has been served upon counsel for respondent Assistant Ohio Attorney General Diane Mallory at 150 East Gay Street Columbus, Ohio 43215 by Regular U.S. mail on this 18th day of July, 2005.

A handwritten signature in black ink, appearing to read "Richard J. Klein III". The signature is stylized with a large, looping "R" and "K".

Richard J. Klein 350-022

R.C.I. P.O. Box 7010

Chillicothe, Ohio 45601

PETITIONER/PRO SE